

United States District Court, Northern District of Illinois

Name of Assigned Judge or Magistrate Judge	RONALD A. GUZMÁN	Sitting Judge if Other than Assigned Judge	
CASE NUMBER	08 C 1178	DATE	3/28/08
CASE TITLE	U.S. ex rel. Henry C. Hill v. John Evans, et al.		

DOCKET ENTRY TEXT:

Petitioner's motion to file *in forma pauperis* [3] is granted. The Court summarily dismisses the petition for a writ of habeas corpus pursuant to Rule 4 of the Rules Governing Section 2254 Cases. Petitioner's emergency motion for preliminary injunction immediate release [4] is denied as moot.

■ [For further details see text below.]

Docketing to mail notices.

STATEMENT

Petitioner Henry C. Hill brings this *pro se* petition for a writ of habeas corpus pursuant to 28 U.S.C. §2254. He alleges that the disciplinary hearings, resulting in loss of good time, violated due process. He seeks immediate release and money damages.

Shortly after he filed this petition, Petitioner informed the Court that he was no longer incarcerated.

According to Rule 1 of the Rules Governing Section 2254 Cases, the scope of the writ of habeas corpus is applicable to a person in custody pursuant to a judgment of a state court. *See Preiser v. Rodriguez*, 411 U.S. 475, 484 (1973). Because Petitioner has been released, his petition lacks one of the most fundamental components of a writ of habeas corpus--custody. Because he is no longer in custody, this Court does not have jurisdiction to hear his petition.

Petitioner also seeks money damages. However, money damages are not an available habeas remedy. *See Nelson v. Campbell*, 541 U.S. 637, 646 (2004).

Accordingly, finding Petitioner indigent the Court grants his motion for leave to file *in forma pauperis*. After preliminary review, the Court summarily dismisses the petition for a writ of habeas corpus pursuant to Rule 4 of the Rules Governing Section 2254 Cases.

Courtroom Deputy
Initials:

CLH